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June 9, 2009

Ms. Marlene S. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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Re: WT Docket No. 01-289
Ex Parte Statement

Dear Ms. Dortch:

Submitted herewith, on behalf of Aerospace and Flight Test Radio Coordinating Council ("AFTRCC"), is an ex parte submission for association with the above-referenced docket.

Any questions regarding this matter may be directed to the undersigned.

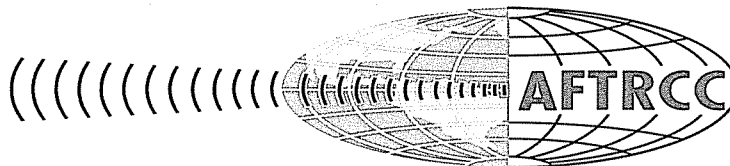
Respectfully submitted



William K. Keane
Counsel for AFTRCC

Enclosures

cc: James D. Schlichting
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AEROSPACE & FLIGHT TEST RADIO COORDINATING COUNCIL®

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June 9, 2009

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW.
Washington DC 20554

Re: WT Docket No. 01-289
Ex Parte Comments

Dear Ms. Dortch:

As the Commission's records reflect, Aerospace and Flight Test Radio Coordinating Council ("AFTRCC") has expressed support for the proposition of allowing operational use of 8.33 kHz channel spacing transceivers by flight test stations, whether for international or domestic delivery, as well as for aeronautical enroute channels. AFTRCC urged that this be allowed on an optional, vs. mandatory, basis.

In support, AFTRCC stressed that such a change was important to relieve increasing congestion with VHF flight test channels. AFTRCC noted as follows:¹

"Currently, there are more than 240 active FCC licenses sharing a total of seventeen flight test VHF frequencies, five of which are itinerant. More than 120 fixed station licenses are sharing the twelve non-itinerant frequencies. Frequency congestion is currently a problem for many companies in Southern California, Wichita, KS., and Dallas and Fort Worth, TX., where all eligible frequencies are licensed and most are shared by three or more companies with each having one or more fixed stations in the same service area. Many other service areas such as Seattle, WA. and parts of New England also have no unlicensed frequencies."

AFTRCC went on to observe that flight testing involves safety of life and property, and that some missions require near-constant communications between the pilot and ground personnel.

The inability to gain access to clear VHF frequencies for test flights is causing expensive delays in test programs. The frequency conflicts that can arise from too many users trying to access too few frequencies, especially in areas like those mentioned above, present serious risks for pilot safety and persons on the ground.

The congestion problem has worsened while this proceeding has been pending. Recently, for example, Northrop Grumman has been forced, on more than one occasion, to recall aircraft

¹ Ex Parte Comments filed July 3, 2007.

and temporarily suspend flight operations because of safety concerns due to frequency congestion. Frequency congestion was a contributing factor in a near-miss incident when the pilot missed instructions from the LAX Tower due to chatter by another company sharing the flight test frequency. Likewise, Honda Aircraft Company based in Greensboro, North Carolina has reported that it was forced to abort high risk stall testing due to frequency congestion.


There are also increasingly frequent reports of interference between companies based in the Dallas and Fort Worth areas of Texas and in the Wichita, Kansas area. Aircraft at altitude have greatly increased line of sight, enabling reception of transmissions at distances of several hundred miles. Depending on the program, costs, including ground support, can exceed \$100,000 per flight hour and hundreds of thousands of dollars per day.

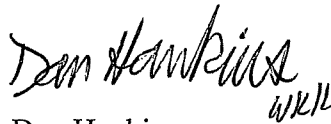
Aerospace manufacturers can routinely have a number of test aircraft flying concurrently, sharing the same frequency. Add aircraft from other companies into the mix, and it becomes apparent why there is congestion. The situation is most challenging for the pilots who must monitor Air Traffic Control on one radio, and at the same time sort through congestive chatter on a second radio for communications relating to his or her mission while flying the aircraft and hitting test points. Tripling the number of available channels via optional use of 8.33 kHz would give companies an avenue to alleviate the congestion, and would not require any additional spectrum for flight test VHF.

This phase of the proceeding was initiated with the Further Notice of Proposed Rulemaking in October 2006. Substantive comments were largely on file by July 2007. It is urgent that this matter be brought to closure promptly, and that 8.33 kHz spacing be allowed, given the increasing risks and cost impacts that the delay is causing to important flight test programs.

A copy of this ex parte filing is submitted for inclusion in the Docket.

Respectfully submitted,


Darryl J. Holtmeyer
Chairman


Dan Hankins
Secretary and HF/VHF Coordinator